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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,649	08/28/2003	Travis J. Parry	200207015-1	7283
22879 7590 07/18/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER POLTORAK, PIOTR	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/650,649	Applicant(s) PARRY ET AL.	
	Examiner Peter Poltorak	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 22-25, 29-33, 47 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 16-21, 26-28 and 34-46 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/23/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In regard to the Restriction Requirements mailed on March 20, 2007 applicant elected Group 1, drawn to identification of a printing device consumable. Applicant indicated that claim 33 should be included in Group 1 based on dependence from claim 32, and claims 44-46 that were not listed in either group should be included in Group 2, based on dependency on claim 43. The examiner agrees with applicant, as a result, Claims 1-15, 22-25, 29-33, 47-48 are examined. Claims 16-21, 26-28, 33-46 are withdrawn from consideration.

Claim Objections

2. Claims 29 XXX are objected to because of the following informalities: the phrase "a printing device interface configured to communicate with a memory affixed to a printing device consumable installed in said printing device" can be interpreted as
3. Furthermore, "
4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 22-25 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.

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6. The "said printing device" in the phrase "a printing device interface configured to communicate with a memory affixed to a printing device consumable installed in said printing device" lacks antecedent basis.
7. Claim 22 is directed towards a consumable that comprises a printing device consumable. The specification recites: "... 'consumable' shall be defined to mean any material consumed by a printing device to produce hardcopy documents. For example, a consumable may be toner and the disposable cartridge or container that contains the toner in the printing device. A consumable may also be a stack or supply of print media." Another words, the specification appears to treat consumable and printing device consumable as essentially equivalent terms. As a result, an apparatus received in the preamble of claim 22 is defined by the same apparatus recited in the claim's body.
8. Claims 23-25 are rejected by virtue of their dependence.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1-15, 22-25, 29-33 and 47-48 rejected under 35 U.S.C. 103(a) as being unpatentable over Garney (USPN 6081850) in view of Guy (USPN 6529691) or alternatively in view of Usui (USPN 6655779).

Garney discloses a device (a computer system) comprising a mass storage device (106, see Fig. 1). The memory area of the mass storage device comprises a device driver information block (DDIB) header and device driver code (col. 4 lines 56-58). Furthermore, the mass storage device stores a device driver lookup table 420 (col. 8 lines 17-19).

As per claims 1-2, 4-10, 15, 22, 24, 29, 31-32 and 47, Garney discloses storing an identification key in a memory affixed to a device consumable (see Fig. 3 and col. 6 lines 57-59), receiving said identification key in the device (col. 8 lines 28-31) and accepting the device consumable for use in the device only if the identification key identifies a compatible device consumable (col. 8 lines 31-42 and col. 13 lines 62-65 for example). The verification (comparison) of the identification key kept in a memory of a compatible device with authorized keys in a lookup table of the device disclosed by Garney is a clear evidence that the receiving comprises uploading the identification key from the memory to a memory of the device. In Fig. 3 Garney discloses that consumable comprises a wired interface communicatively coupled to the memory through which the consumable can communicate with the device. Garney also discloses uploading an identification interface from the memory to said printing device (col. 3 lines 38-60). A device driver loader disclosed by Garney (in col. 8 lines 28-30, for example) reads on a device controller and col. 14 lines 9-12).

As per claims 11-14, 30, 33 and 48, devices use device consumable drivers in order to manage/use consumables (this concept is also disclosed by Garney in col. 2 lines 4-43, for example). Once a consumable is assigned to a particular driver a driver can be used to use the consumable (e.g. col. 4 lines 27-55). The examiner considers the state in which the device is not to a particular driver and is not flagged as couple to the device as the state in which the consumable is locked (unusable) by the device. As a result, the examiner interprets routines involved in enabling the use of consumable, e.g. routines supporting the device controller, as an unlocking mechanism (although the device controller could also be interpreted as the unlock mechanism).

10. Garney does not disclose that the device is a printing device and that the device consumable is a printing device consumable.

Guy discloses a printing device and a printing device consumable. Both (Garney and Guy's) systems are computing systems wherein a device receives and compares a consumable device identification (e.g. Guy, Fig. 2 and col. 2 line 12 – col. 3 line 13).

Thus, the advantages of the systems of Garney and Guy could have been easily combinable with more than a reasonable expectations of success.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Garney's invention into the print device and print device consumable as taught by Guy given the benefit of dynamically configuring printing system resources.

11. Similarly, Usui discloses a printing device and a printing device consumable (e.g. Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate Garney's invention into a device that is a printing device with a printing device consumable as disclosed by Usui given the benefit of dynamically configuring printing system resources.
12. Garney in view of Guy or alternatively in view of Usui do not disclose wireless interface coupled to the memory for consumable/device communication. However, utilizing wireless interfaces is old and well known in electronic components (see USPub 2005/0036800, for example or RFIDs etc.), and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate a wireless interface coupled to the memory for consumable/device communication given the benefit of communication flexibility and recognizing the compatibility of the consumable without even before the device consumable is placed in the device. The examiner also points out that RFID technology provides a unique identifier.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bortnem (USPN 6263170),
Johnson (USPN 7182445),
Usui (USPN 6655779),
Dillaway (USPN 5742756),
Kennedy (USPN 6084968),

Richards (USPN 6351621),

Garney (USPN 6081850).


Naka (USPub 2002/0038222),

Wong et al. ("A Web-based Secure System for the Distributed Printing of Documents and Images, 1998 IEEE).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


7/06/07


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER